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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,900

08/18/2006

Eric Tarrerias

15472NP

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293 7590 07/23/2010  
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EXAMINER

PATEL, BHARAT C

ART UNIT

PAPER NUMBER

3724

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,900	<b>Applicant(s)</b> TARRERIAS, ERIC	
	<b>Examiner</b> BHARAT C. PATEL	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,4,5,7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/22/10</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The following is a Final Office action in response to communication received on 6/22/10. Claims 3, 6 and 8-9 are cancelled. No claim is amended. Therefore, claims 1-2, 4-5, 7, 10-12 are pending and addressed below.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, 7, 10-12 rejected under 35 U.S.C. 102(b) as being anticipated by Droese 6,612,204.

Re claims 1, 10 and 12, Droese discloses a blade for a cutting tool and a method of fabricating a blade for a cutting tool, in particular for a knife, the blade being made of steel or an alloy of stainless steels and having at least one cutting edge extending over at least a portion of a periphery thereof per Fig. 1, per col. 5, lines 20-26, the method comprising the following steps:

- a) making a blade body possessing at least three free edges provided in a vicinity of the at least one cutting edge 6 per Figs. 1-8;
- b) projecting a make-up material at 7 in the form of a powder onto one of the at least three free edges per col. 3, lines 62-67 and col. 4, lines 1-5, the hardness of the make-up material being greater than the hardness of the blade body per col. 3, lines 46-61;
- c) subjecting the make-up material powder to a laser beam at the same time as

Art Unit: 3724

projecting the make-up material powder so as to form a bead or strip on at least a portion of one of the at least three free edges so that the bead or strip form instantaneously, an intimate bond with the blade body per col. 3, lines 62-67 and col. 4, lines 1-5;

d) after said intimate bond is formed, performing a hardening and tempering operation on the blade body and the bead or strip; wherein said blade body is fitted with the bead or strip of the make-up material per col. 4, lines 6-17; and

e) forming the cutting edge in the bead or strip of make-up material so as to form a sharp edge per col. 4, lines 25-33.

It should be noted that Droese discloses per col. 3, lines 62-67 and col. 4, lines 1-5 that the make-up material in the powder form is projected or feed to the zone of the base material and in the second process step it is melted into the base material (per col. 3, lines 65-67).

Re claim 2, Droese discloses that one of the at least three free edges the at least one free edge is formed by a flat extending perpendicularly to a main plane of the blade body per Figs. 1-10.

Re claim 4, Droese discloses that the blade body 1 presents dimensions that are slightly smaller than those of the final blade 5 per Figs. 1-8.

Re claim 5, Droese discloses that the at least one cutting edge is made by grinding, machining, or abrading at least the bead or the strip of make-up material per col. 4, lines 35-33.

Re claim 7, Droese discloses that the blade body 1 is machined or ground before the step of forming the bead of make-up material. The blade body is formed per Fig. 1 (and thus machined of some sort) prior to receiving the added cutting material.

Re claim 11, Droese discloses that the blade wherein the at least one cutting edge and the blade body are made of at least two different materials. Examiner notes that the blade body of Droese is made of a form of steel and the cutting edge is made up of a secondary metal with hard particles (see column 3 lines 34-53).

### ***Response to Arguments***

4. Applicant's arguments filed 6/22/10 have been fully considered but they are not persuasive. In the Remarks, Applicant argues that Droese does not anticipate (1) powder projection and melting with the help of a laser onto a free edge of the blade so as to form a bead or strip; and (2) step of subjecting the make-up material powder to a laser beam at the same time as projecting the make-up material powder so as to form a bead or strip on at least a portion of one of the at least three free edges.

In response to the argument (1), Examiner respectfully disagrees. It should be noted that Applicant has not claimed the subject matter in the specific form as it is being argued. The step b) includes the step of projecting the make-up material. As discussed above in the rejection of claim 1, as projecting a make-up material at 7 in the form of a powder onto one of the at least three free edges per col. 3, lines 62-67 and col. 4, lines 1-5, and the additive material, can be in the powder form, is being provided to laser treatment as explained in col. 5, lines 27-46 to improve hardness and the wear

Art Unit: 3724

resistance. Therefore, examiner considers that Droese satisfies the claimed subject matter.

In response to the argument (2), Examiner respectfully disagrees. As discussed above in the rejection of claim 1, Droese discloses the step of subjecting the make-up material powder to a laser beam at the same time as projecting the make-up material powder so as to form a bead or strip on at least a portion of one of the at least three free edges so that the bead or strip form instantaneously, an intimate bond with the blade body per col. 3, lines 62-67 and col. 4, lines 1-5. It should be noted that Droese discloses per col. 3, lines 62-67 and col. 4, lines 1-5 that the make-up material in the powder form is projected or feed to the zone of the base material and in the second process step, it is melted into the base material (per col. 3, lines 65-67). Droese discloses per col. 5, lines 48-63 and per Figs. 3-5 and 10 that 7 and col. 4, lines 1-5 that bead or strip on at least a portion of one of the at least three free edges. It should also be noted that it is old and well known method to utilize laser technology with powder projection to form a bead or strip as taught by Wallmann 6,316,065 or Shipton US Pub.: 2002/0068008. It should also be noted that Applicant is not specific as to how the step of "subjecting the make-up material powder to a laser beam at the same time as projecting the make-up material powder" is defined and claimed. The step of feeding the material is part of projecting the powder material to the base material and this is followed by the laser treatment which can be momentarily or instantaneously. The Applicant is not specific as to how that step of "at the same time" is achieved. It is also old and well known in the laser technology as taught by Shipton and Wallmann, based

Art Unit: 3724

on the orientation, location of the laser gun and the powder feed / projecting device, the make-up material powder can be subjected to a laser beam at the same time as projecting the make-up material powder. Therefore, Examiner considers that Droese do satisfies the claimed subject matter.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/  
Examiner, Art Unit 3724  
7/12/10.

/Ghassem Alie/  
Primary Examiner, Art Unit 3724